



## 256 CMR: BOARD OF REGISTRATION IN VETERINARY MEDICINE

### 256 CMR 2.00: GENERAL PROVISIONS

#### Section

~~2.01: Preface~~

~~2.021: Definitions~~

2.01: Preface

~~The Board of Registration in Veterinary Medicine is organized and functions under authorization and provisions of M.G.L. c. 13, §§ 26 to 28 inclusive and M.G.L. c. 112, §§ 54 to 60 inclusive.~~

~~256 CMR 2.00 through 8.00 inclusive, hereinafter set forth, are made by the Board under authority of M.G.L. c. 112, § 54 and have been promulgated in conformity with M.G.L. c. 112, §§ 54 to 60 and with applicable provisions of M.G.L. c. 30A, known as the State Administrative Procedure Act.~~

~~All licensees of the Board are charged with having knowledge of the existence of 256 CMR 2.00 and shall be deemed to be familiar with their provisions and to understand them.~~

2.01: Definitions

For the purpose of this chapter 256 CMR 2.00, the terms listed below have the following meanings:

Animal ~~means any animal other than man including wild or domestic fowl, birds, fish or reptiles, living or dead.~~

Approved Veterinary School ~~means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and which conforms to the standards required for accreditation by the American Veterinary Medical Association (AVMA), the Board of Veterinary Medicine of the Commonwealth, or the approving authority.~~

Approving Authority ~~means:~~

- ~~(a) two members from the Board of Registration in Veterinary Medicine;~~
- ~~(b) one veterinary officer from the Division of Animal Health; and~~
- ~~(c) one member representing the Massachusetts Veterinary Medical Association.~~

AVMA means American Veterinary Medical Association.

Board means the Board of Registration in Veterinary Medicine of the Commonwealth.

Commonwealth means the Commonwealth of Massachusetts.

DEA means the United States Drug Enforcement Administration

**DPH means the Massachusetts Department of Public Health**

~~ECFVG means Educational Commission for Foreign Veterinary Graduates.~~

~~Emergency Clinic means a facility providing veterinary medical services which is fully staffed during its posted or advertised hours of operation and which is equipped as a full-service facility.~~

~~Fully staffed shall mean that such facility shall be staffed by at least one veterinarian and one assistant.~~

**Emergency service facility means any veterinary facility which uses the title Emergency or any other terms of public notice to suggest it solely provides emergency services. All standards applying to a full-service facility shall apply to an emergency service facility. An emergency service facility shall have at least one licensee and one supporting staff member on the premises during the hours it is open for service. The facility shall, by posted notice, provide information about referral to an appropriate facility during hours it is not open for service.**

~~**Foreign International Veterinary Graduate means a graduate of a veterinary college or university recognized but not accredited or approved by the AVMA, approving authority or the Board. any person, including a foreign national or an American citizen, who has received a professional veterinary medical degree from an AVMA-listed veterinary college that is not approved or accredited by the AVMA.**~~

**Full-Service Facility means any veterinary facility that uses the title Hospital, Medical Center or any other term of public notice that suggests it provides examination, diagnostic and prophylactic services and medical and surgical treatment. a facility which includes "veterinary hospital", "veterinary medical center" or any other designation that indicates a full-service veterinary medical facility.**

~~A full service facility shall maintain the following:~~

- ~~(a) adequate x ray equipment, including protective gowns, gloves, and/or screens;~~
- ~~(b) surgery table;~~
- ~~(c) examination/treatment room;~~
- ~~(d) adequate and sanitary animal housing;~~
- ~~(e) adequate bathing facilities;~~
- ~~(f) adequate cleaning and janitorial supplies and equipment;~~
- ~~(g) adequate telephone equipment and coverage;~~
- ~~(h) weight scale;~~
- ~~(i) proper rubbish and animal disposal;~~
- ~~(j) adequate emergency coverage;~~
- ~~(k) posted hospital hours;~~
- ~~(l) clients must be informed verbally, in writing or by posted notice if there is not all night attendance (24 hours);~~

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- ~~(m) available oxygen;~~
- ~~(n) auxiliary lighting of some type;~~
- ~~(o) proper water supply;~~
- ~~(p) adequate drug storage;~~
- ~~(q) lock up facility for controlled substances;~~
- ~~(r) posted state license to practice veterinary medicine for all veterinarians on the premises, including temporary permits;~~
- ~~(s) adequate record keeping and records available for reference to past medical data where possible;~~
- ~~(t) adequate sterilization equipment;~~
- ~~(u) a centrifuge is desirable;~~
- ~~(v) microscope, stethoscope and thermometer;~~
- ~~(w) ability to perform, or arrange to perform, laboratory tests, biologic tests and pathology;~~
- ~~(x) ophthalmoscope and otoscope;~~
- ~~(y) available sterile surgical materials, instruments and syringes; and~~
- ~~(z) availability of proper refrigeration.~~

**LLC means any limited liability corporation created pursuant to the provisions of M.G.L. c. 156A.**

**LLP means any limited liability partnership created pursuant to the provisions of M.G.L. c. 108A.**

**NBEC means the National Board Examination Committee of the AVMA.**

### **Supervision:**

**Direct Supervision means the active monitoring of the practice of veterinary medicine by a licensed veterinarian on the premises.** ~~means that an act is performed while the supervising veterinarian is in the building or on the premises in question.~~

**Immediate Supervision means a licensed veterinarian is present within the immediate physical proximity of the procedure being performed.**

~~**Veterinarian means a person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine.**~~

### **Veterinarian:**

**Licensed Veterinarian means a veterinarian with a current license to practice veterinary medicine in the Commonwealth.**

**Veterinary Specialist (Veterinary Diplomate) means a veterinarian currently certified by a specialty board recognized by the AVMA** ~~an AVMA Board Certified Veterinarian.~~

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REGULATORY AUTHORITY

256 CMR 2.00: M.G.L. c. 112, Sections 54 and 54A

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### 256 CMR 3.00: LICENSES

#### Section

3.01: License Requirements

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~~3.09: Educational Commission for Foreign Veterinary Graduates (ECFVG) Candidates~~

**3.07: International Veterinary Graduate Certificate Candidates**

#### 3.01: License Requirements

A graduate of an approved veterinary school or **an international veterinary graduate who has a Board approved international veterinary graduate certificate** ~~or a graduate of a non-approved veterinary school who obtains an ECFVG certificate, may obtain a license~~ **be licensed to practice veterinary medicine in the Commonwealth by meeting if** the following requirements ~~are met~~:

~~(1) Each applicant shall furnish the Board with satisfactory proof that he/she is 18 years of age or over and of good moral character.~~

~~(2) Each applicant shall pay a fee to be determined annually by the Commissioner of Administration pursuant to M.G.L. c. 7, § 3B.~~

~~(31) Each applicant shall have obtained either a passing grade of 75 with a 1.0 deviation, or a passing score based on the criterion referenced passing scores established by the NBEC Standard Setting Committee, in both the National Board Examination and the Clinical Competency Test.~~ **a passing score in a Board approved veterinary licensing examination.**

~~(4-2) Each applicant shall have obtained a passing score of at least 75 on the State Jurisprudence Examination.~~

**(3) Each applicant must file an application and fee as required by the Board.**

~~(5 4)~~ The Board at its discretion may require an oral examination **or interview**.

#### 3.02: Examinations

**A Board approved veterinary licensing examination shall be offered** ~~the National Board Examination and the Clinical Competency Test shall be held~~ no less than once annually.

3.03: Reciprocity

Any person ~~who is a licensed or registered veterinarian in another state and who has been engaged in the practice of veterinary medicine for at least five consecutive years~~ may obtain a license to practice veterinary medicine in Massachusetts **by meeting upon making application to the Board and fulfilling all of the following requirements:**

**(1) Each applicant shall file an application and fee as required by the Board.**

**(24) Each applicant shall have obtained a passing score on a Board approved veterinary licensing examination. The passing scores are those required by the Board at the time the applicant obtained the certificate of registration or license in the other state. Each applicant shall present to the Board a copy of his/her certificate of registration or license, certified or attested under seal by the board of examiners or like board of any other state board whose standards in the opinion of the Board are equivalent to the requirements of the Commonwealth.**

**(32) Each applicant shall have obtained a passing score on the Massachusetts Jurisprudence Examination. Each applicant shall pay a fee as determined by the Executive Office of Administration and Finance of the Commonwealth.**

**(43) The Board at its discretion may require an oral examination and/or interview. Each applicant shall demonstrate to the Board his/her fitness to practice veterinary medicine.**

**(54-) The Board may waive a Board approved international veterinary graduate certificate or Board approved veterinary licensing examination in the case of a veterinary specialist who has been certified as a specialist in a particular field of practice. Where the Board grants such a waiver, the Board may restrict the licensee's veterinary practice to his or her specialty. Each veterinary specialist who receives such a waiver shall inform the Board of any change in the status of his or her certification as a specialist. Each applicant shall have obtained a passing grade by Massachusetts standards on the National Board Examination, unless the applicant graduated from veterinary school before 1960.**

**(5) Each applicant shall have obtained a passing grade by Massachusetts standards on the Clinical Competency Test.**

**(6) Each applicant shall have obtained a passing score of at least 75 on the State Jurisprudence Examination.**

**(7) The Board at its discretion may require an oral examination.**

**In addition, the other state must accord a similar privilege to veterinarians registered under the laws of the Commonwealth and removing to such other state.**

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~~The Clinical Competency Test and/or National Board Examination requirements may be waived by the Board in the case of a "Board Certified" veterinarian. Where such a waiver is granted, the Board shall restrict the licensee's veterinary medical practice to his/her specialty. Each "Board Certified" licensee shall inform the Board annually of his/her board certification status.~~

### 3.04: Delinquent Licenses

**After a license expires, a veterinarian who continues to practice or holds out him- or herself as a licensed veterinarian may be subject to penalties for unlicensed practice pursuant to M.G.L. c. 112, §59. A licensee who has not renewed his/her license to practice veterinary medicine prior to its date of expiration may renew his/her license upon payment of the annual license fee, applicable back license fees, and a late fee as established by the Commissioner of Administration under M.G.L. c. 7, § 3B.**

~~If the licensee continues to practice after his/her license has expired, the licensee may be subject to any or all penalties established for the unlicensed practice of veterinary medicine or the holding of oneself out as a licensed veterinarian.~~

### 3.05: Temporary Retirement From Practice Inactive License

~~Where a veterinarian duly registered and licensed to practice in the Commonwealth determines that he/she does not wish to maintain a license to practice, the licensee may "temporarily retire" from practice upon notifying the Board in writing of such "retirement".~~

~~(1) **Retirement of Five Years or Less.** When the licensee is ready to return to veterinary practice, provided the period of "retirement" is five years or less, he/she may register again upon:~~

- ~~(a) paying the lapsed annual license fees; and~~
- ~~(b) filing with the Board an affidavit as to the facts of his/her "temporary retirement" from practice.~~

~~(2) **Retirement of More Than Five Years.** Where the period of "temporary retirement" exceeds five years, the licensee may register again upon:~~

- ~~(a) paying past annual licensing fees;~~
- ~~(b) filing with the Board an affidavit as to the facts of the "temporary retirement" from practice; and~~
- ~~(c) successfully sitting for a clinical proficiency examination administered by the Board.~~

**(1) A licensee who does not wish to maintain a practice in the Commonwealth may have his or her license placed on inactive status by requesting such status in writing from the Board.**

**(2) Where a license has been inactive for less than five years, a license may be made active by:**



- (a) paying the outstanding annual license fees accrued during the period of inactive status; and,
  - (b) completing all outstanding annual continuing education requirements for each year of inactive status.
- (3) Where a license has been inactive for more than five years, a license may be made active by:
- (a) paying the outstanding annual license fees from the inactive period;
  - (b) filing with the Board an affidavit containing the circumstances of the inactive period and the reasons for requesting activation of the license;
  - (c) obtaining a passing grade in any clinical competency examination required by the Board;
  - (d) obtaining a passing grade on the Massachusetts Jurisprudence Examination;
  - (e) appearing before the Board for an interview, if so requested by the Board; and,
  - (f) completing all outstanding annual continuing education requirements for each year of the inactive status.

3.06: License Display

- (1) Each veterinarian engaged in practice shall have ~~on display~~ all **current** required licenses, certificates and permits **on display**. ~~This includes including, but not limited to, a~~ **copy of** the license certificate to practice veterinary medicine in the Commonwealth, and **any applicable certifications by AVMA specialty boards** ~~Board Certification~~.
- (2) ~~Each veterinarian engaged in practice shall have proof that all required licenses are current.~~
- (3-2) Each **licensee** ~~veterinarian engaged in practice~~ **practicing** at a location where **the** display of a certificates is not possible or practical shall have on his/her person a license card as proof that his/her license is current.

3.07: ~~License Inspection~~

~~Each licensee of the Board is required to present his/her license for inspection upon the request of any person authorized by the Board.~~

3.08: ~~Licensee Revocation in Another State or Jurisdiction~~

~~The Board may, after notice and hearing, take disciplinary action against a licensee who has been a subject of disciplinary action in another state or jurisdiction.~~

**3.09 7: Educational Commission for Foreign Veterinary Graduates (ECFVG) International Veterinary Graduate Certificate Candidates**

The Board shall not license international veterinary graduates, except veterinary specialists and international veterinary graduates who are otherwise eligible for licensure by reciprocity, to practice veterinary medicine within the Commonwealth unless the applicant has a Board approved international veterinary graduate certificate. An international veterinary graduate who is a veterinary specialist may qualify to practice veterinary medicine within the Commonwealth pursuant to the provisions of 256 CMR 3.03(1). All international veterinary graduates seeking a temporary permit shall meet the requirements of 256 CMR 4.00.

~~All foreign veterinary graduates of non-approved schools who are applicants for a license to practice veterinary medicine within the Commonwealth shall obtain an ECFVG certificate.~~

~~Foreign veterinary graduates of non-approved schools may take the Clinical Competency Test and the National Board Examination in Massachusetts, but shall not be licensed to practice veterinary medicine in the Commonwealth until the ECFVG certificate is received.~~

~~All ECFVG candidates seeking a temporary permit must meet the requirements of 256 CMR 4.02.~~

REGULATORY AUTHORITY

256 CMR 3.00: M.G.L. c. 112, Sections 54,55A, 56C and 56D.

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### 256 CMR 4.00: TEMPORARY PERMITS

#### Section

#### ~~4.01: Graduates of Approved Veterinary Schools~~

#### ~~4.02: Graduates of Other than Approved Veterinary Schools~~

#### ~~4.03: General Provisions~~

#### 4.01: Graduates of Approved Veterinary Schools

~~The Board may issue without examination a temporary permit to practice veterinary medicine in the Commonwealth to any graduate of an approved veterinary school after an interview if the Board determines the candidate is qualified.~~

~~To be eligible to receive a temporary permit, the candidate must have passed the Board's Jurisprudence Examination and at least one of the two qualifying examinations (NBE or CCT) according to Massachusetts guidelines.~~

~~Such temporary permit may be granted for the period of six months as allowed by M.G.L. c. 112, § 56A, provided that the candidate writes the next set of examinations and also provided that the candidate is at all times employed by and practices his/her profession under the direct supervision and control of a licensed veterinarian practicing in the Commonwealth.~~

#### 4.02: Graduates of Other Than Approved Veterinary Schools

~~The Board may issue a temporary permit to practice veterinary medicine in the Commonwealth to any person who is a graduate of other than an approved veterinary school provided that such person has passed the Board's Jurisprudence Examination, the National Board Examination, and the Clinical Competency Test; and provided further that such person is within six months of completing the AVMA-evaluated clinical experience portion of the ECFVG program.~~

~~Such temporary permit may be granted for the period of six months as allowed by M.G.L. c. 112, § 56A, provided that said person is at all times employed by and practices his/her profession under the direct supervision and control of a duly licensed veterinarian practicing in the Commonwealth.~~

#### 4.03: General Provisions

~~(1) An application for a temporary permit shall be completed by the licensed veterinarian who will be supervising the candidate pursuant to M.G.L. c. 112, § 56A and by the candidate, and shall be submitted to the Board. The Board shall interview both the candidate and the supervising veterinarian/employer.~~

~~(2) A printed Temporary Permit setting forth the conditions under which the permit is issued shall be signed by the Board. A copy of the permit shall be kept by the Board, and the original shall be displayed or be in the possession of the candidate while he/she is practicing under the permit.~~

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~~(3) If a veterinarian changes employment while practicing under a temporary permit, upon notification of the Board, the time remaining on the permit may be transferred.~~

~~(4) If while practicing under a temporary permit a candidate does not pass the National Board Examination, the Clinical Competency Test, or the Massachusetts State Oral Examination, the Board shall revoke the temporary permit.~~

~~(5) Temporary permits may be summarily revoked by majority vote of the Board. Cause for summary revocation of a temporary permit shall include, but not be limited to, conduct set out in the Code of Professional Conduct, 256 CMR 7.00.~~

~~(6) A temporary permit is not renewable.~~

### Section

#### **4.01: Qualification requirements for Temporary Permits**

#### **4.02: Temporary permit practice standards**

##### **4.01 Qualification requirements for Temporary Permits**

- (1) The Board may grant a temporary permit to practice veterinary medicine in the Commonwealth for a period of six months. A candidate to whom the Board issues a temporary permit may only practice under the direct supervision of a veterinarian licensed in the Commonwealth.**
- (2) Graduates of Board approved veterinary schools who have not attained a passing score on a Board approved veterinary examination are not eligible for a temporary permit.**
- (3) An international veterinary graduate shall be eligible for a temporary permit if the following requirements are met:**
  - (a) the candidate has achieved a passing score in a Board approved veterinary examination;**
  - (b) the candidate is within six months of completing a Board approved international veterinary graduate program; and,**
  - (c) the candidate has passed the Massachusetts Jurisprudence Examination.**

##### **4.02 Temporary permit practice standards**

- (1) Both the candidate and the licensed supervising veterinarian shall complete the application and submit it to the Board. After an interview with both the candidate and**

**the licensed supervising veterinarian, the Board shall determine if the candidate is qualified.**

**(2) The Board shall sign a printed temporary permit setting forth any conditions under which the permit is valid. The candidate shall display the original temporary permit at his or her practice location. Where such display is not possible or realistic, the candidate shall have the original temporary permit on his or her person. The Board shall retain a copy of the temporary permit.**

**(3) If the candidate's employment changes while practicing under a temporary permit, the candidate shall notify the Board and stop practicing veterinary medicine. Both the candidate and new licensed supervising veterinarian shall complete an application and submit it to the Board. After an interview with both the candidate and the new supervising veterinarian, the Board may transfer the time remaining on the temporary permit.**

**(4) If, while practicing under a temporary permit, the candidate does not obtain a passing score in a Board approved veterinary graduate examination, or a Board oral examination, then the Board shall revoke the temporary permit.**

**(5) By majority vote, the Board may summarily revoke temporary permits. Cause for summary revocation may include violations of 256 CMR 7.00, the Code of Professional Conduct.**

**(6) The Board may renew a temporary permit for a maximum of six months for candidates who have obtained a passing score in a Board approved international veterinary graduate examination. A temporary permit shall not exceed twelve months, including any extensions.**

REGULATORY AUTHORITY: M.G.L. c. 112, §§54, 56A

256 CMR 5.00: PRACTICE

Section

5.01: Medical Records

5.02: Drugs and Medications

5.03: Advertising

**5.04: Hospital Safety**

**5.05: Requirements of full-service veterinary facility**

5.01: Medical Records

(1) A ~~licensee veterinarian~~ shall maintain a **legible medical** record for each patient. **The identity of the author of all medical records shall be clearly noted on all records by either signature or initials. A licensee shall keep all medical records and radiographs readily available for four years after the last contact with the animal. Upon the request of the owner, a licensee shall provide copies of medical records and radiographs to the owner of an animal or another veterinarian. A reasonable fee may be charged for the cost of such copies.** ~~The medical record shall include the following information:~~

- ~~(a) owner's name;~~
- ~~(b) owner's address;~~
- ~~(c) owner's telephone number;~~
- ~~(d) patient's age, if known;~~
- ~~(e) patient's sex;~~
- ~~(f) patient's weight;~~
- ~~(g) patient's breed or description;~~
- ~~(h) chief complaint of each visit;~~
- ~~(i) results of examinations;~~
- ~~(j) results of laboratory tests, if performed;~~
- ~~(k) radiographs, if taken;~~
- ~~(l) vaccination history;~~
- ~~(m) the type of anesthesia and, where applicable, the dosage;~~
- ~~(n) treatment, if performed;~~
- ~~(o) surgery, if performed;~~
- ~~(p) names and dosages of drugs and/or medications used or prescribed; and~~
- ~~(q) any other pertinent information gathered.~~

(2) A licensee shall accurately record the following information on each animal's medical record:

- (a) the owner's name, address, home and work telephone numbers;**
- (b) the animal's name, any applicable identification number(s), species, breed, date of birth, sex, color, markings and current weight;**

- (c) sufficient information to justify any tentative diagnosis and to warrant treatment;
- (d) the date, initial problem, pertinent history, examination findings and any plan for treatment and care;
- (e) all vaccines administered;
- (f) all laboratory tests;
- (g) all imaging evaluations;
- (h) all professional consultation reports;
- (i) all consent forms, such as anesthesia, surgery, euthanasia and necropsy consent forms or child-resistant container waivers;
- (j) all records of treatment, both medical and surgical;
- (k) all dental procedures;
- (l) all medication given, including the date, dosage, route of administration (when more than one route is acceptable), frequency, duration of treatment and refills;
- (m) all medication dispensed or prescribed, including directions for use and quantity;
- (n) all changes in medication or doses, including changes made by telephone;
- (o) all client communications;
- (p) all client waivers or deferrals of recommended care;
- (q) all discharge instructions; and,
- (r) all necropsy findings.

~~(2-3)~~ Medical records for economic animals and groups of animals such as sheep and fish may be maintained on a per client basis when treated as a group.

~~(3)~~ Medical records and radiographs shall be maintained and available for a period of four years from the date of the last encounter with a patient.

~~(4)~~ Copies of medical records and radiographs shall be provided to the owner of an animal upon the owner's request or to another attending veterinarian upon the owner's request. A reasonable fee may be charged for the cost of copies.

#### 5.02: Drugs and Medications

~~A veterinarian shall comply with all of the following requirements for the handling, dispensing and administering of drugs and medications:~~

- ~~(1) All drugs and medications that are dispensed from another container shall be placed in a child resistant container in the case of tablets and capsules, unless otherwise requested by the owner, and labelled with the following information:~~

- ~~(a) name and telephone number of the hospital or other service facility and/or veterinarian;~~
- ~~(b) date;~~
- ~~(c) dosage schedule and directions for use;~~

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- ~~(d) name of patient;~~
- ~~(e) name of owner;~~
- ~~(f) type of medication and strength;~~
- ~~(g) number of tablets or capsules; and~~
- ~~(h) expiration date.~~

~~(2) All drugs and medications dispensed in an original container shall retain the original label and in addition shall be labelled to provide the same information as required in 256 CMR 5.02(1).~~

~~(3) Drugs and medications which have expired shall not be left on shelves or retained for use or dispensing.~~

~~(4) Drugs and medications shall be dispensed only for specific animals and for specific veterinary medical problems with the exception of groups of economic animals and other groups such as fish, kennels, and catteries where dispensing shall be done judiciously and with an appropriate medical basis.~~

~~(5) All syringes and needles used in the veterinary medical practice shall be immediately destroyed and rendered unusable unless properly resterilized. All unusable syringes and needles shall be disposed of in conformity with all applicable waste disposal laws and regulations.~~

**(1) A licensee shall dispense or prescribe drugs and medications only for specific animals and for specific medical problems. When treating the animals as a group, a licensee shall judiciously dispense or prescribe drugs and medications on a per client basis only for specific medical problems and only in accordance with 256 CMR 7.01(2)(e).**

**(2) When dispensing medication, a licensee shall accurately type or print the following information on a label permanently affixed to the container:**

- (a) client's name;**
- (b) animal's name;**
- (c) date;**
- (d) usage directions including route of administration;**
- (e) name of the drug;**
- (f) quantity dispensed;**
- (h) hospital's name, address and telephone number;**
- (i) the name of the licensee dispensing the drug;**
- (j) expiration date if appropriate;**
- (k) any appropriate warning labels; and,**
- (l) the number of refills if any.**



- (3) All dispensed or repackaged medications shall be in child-resistant, moisture-proof containers unless otherwise requested by the client or, if the drug is in a form that precludes it from dispensing in such a container.**
- (4) All drugs and medications dispensed in an original container shall retain the original label and shall have an additional label as required by 256 CMR 5.02(2).**
- (5) A licensee shall not leave expired drugs or medications on shelves or retain them for use or dispensing and shall insure that all drugs, medications or other medical supplies are disposed in compliance with all federal, state and local regulations.**

5.03: Advertising

- ~~(1) Any veterinary service establishment may be designated a clinic, office or mobile unit or may be designated in any other manner so long as its title is not misleading nor suggests the provision of a service that it in fact does not provide.~~
- ~~(2) Each veterinary establishment that is called a "veterinary hospital", "veterinary medical center", or any other terminology that suggests a full service facility shall conform to the requirements set out under the definition of "Full service Facility", 256 CMR 2.02.~~
- ~~(3) A licensed veterinarian who is engaged in the practice of veterinary medicine, dentistry or surgery may provide information to the public by advertising:
  - ~~(a) which is not false, deceptive or misleading;~~
  - ~~(b) which does not have the effect of intimidating or exerting undue pressure;~~
  - ~~(c) which does not guarantee a cure;~~
  - ~~(d) which does not make claims of professional superiority which a licensee cannot substantiate.~~~~
- (1) A licensee may, by using print or electronic media, provide information to the public by advertising which is not false, fraudulent, misleading or deceptive.**
- (2) A licensee shall not use any advertising which contains:
  - (a) any statement or claim that a licensee is a veterinary specialist unless the licensee meets the definition of that term contained in 256 CMR 2.01. This does not prohibit truthful and non-deceptive statements concerning a licensee's experience or training in a particular area of veterinary practice;**
  - (b) techniques or communications which tend to or do intimidate or exert undue pressure on or influence over a client;****

(c) a lay or expert testimonial except from individuals with knowledge or experience obtained from a provider relationship with the licensee or direct knowledge of the subject of the testimonial. A lay or expert's testimonial shall not attest to any technical matter beyond that person's competence; or,

(d) any statement that guarantees that a cure will result from the professional service offered.

~~(4-3) Any advertisement or business listing for the provision of any veterinary medical service shall contain current information, including the name of at least one licensee who is responsible for the provisions of the advertised services. the veterinarian(s) who will provide such service(s) and/or who own(s) such business and/or directs such services.~~

(4) A licensee shall be responsible for the form and content of an advertisement containing the licensee's name, office address or telephone number. A licensee must list his or her degree actually conferred after his or her name or use the term "veterinarian" if only the title "Doctor" appears before his or her name.

(5) Advertising making reference to a fee may only contain a fixed or stated range of fees for a specifically-described routine professional service. A licensee who advertises fees shall disclose all relevant variables and considerations ordinarily included in such a service. In the absence of such a disclosure, the stated fees shall include all components ordinarily included in provisions of such a service. Offers of discounts or fee reductions shall indicate the fixed or stated range of fees from which the fee is discounted. The period during which a fee or discount shall remain in effect shall be clearly and specifically stated in the advertisement.

#### 5.04: Hospital Safety

~~(1) Radiology equipment must include protective gowns, gloves, and/or screens.~~

~~(2) Hospital directors must provide radiation monitoring devices and records for personnel involved in radiology procedures.~~

(1) All licensees shall handle hazardous medications in accordance with federal, state and local regulations.

(2) All licensees under the jurisdiction of the federal Occupational Safety and Health Administration (OSHA) shall review and comply with OSHA regulations.

(3) Disposal of biomedical waste, such as culture plates, tubes, contaminated sponges, swabs, biological products, needles, syringes and blades shall be in compliance with all federal, state and local regulations.

(43) **Radiation safety procedures shall be in compliance with** ~~Veterinary facilities must~~ meet all requirements of the Radiation Control Division of the Department of Public Health.

#### **5.05 Requirements of full-service veterinary facility**

A full-service facility shall at a minimum provide the following services:

(1) **Diagnostic imaging** A full-service facility shall have the capacity to generate quality radiographic images on the premises.

(2) **Emergency services** A full-service facility shall have the appropriate equipment to respond to all reasonably anticipated emergency situations.

(3) **Examination services** A full-service facility shall have one or more examination rooms adequate in size and lighting for proper examination of animals. Minimum equipment for examination services shall include:

- i. ophthalmoscope;
- ii. otoscope;
- iii. restraint equipment;
- iv. scales to correctly weigh all animals treated;
- v. stethoscope; and,
- vi. thermometer.

(4) **Housekeeping and maintenance** A full-service facility and surrounding grounds shall be safe and sanitary. All fixtures, furnishings and equipment shall be free from excessive wear and be in good condition. Ventilation, heating and air conditioning systems shall be adequate to prevent harmful or unacceptable concentrations of toxic gases, odors or particles and the facility shall have adequate lighting. Waste disposal shall be in accordance with good public health practice. The staff shall use adequate safety precautions in disposing of animal remains and tissue specimens. Water shall be safe for use by clients, employees and animals. An adequate supply of clean or unused disposable linens and supplies shall be available and in good condition.

(5) **Patient care** A full-service facility shall provide all equipment necessary for the safety and comfort of animals. All animal holding areas shall be secure, escape-proof and easily-cleaned. Cages and runs shall be of appropriate and comfortable size for animals. The staff shall use proper handling and disposal for all waste materials and proper cleaning and disinfecting of compartments, exercise areas and runs.

(6) **Pathology/Laboratory** A full-service facility shall provide pathology services either in the facility or through outside sources. Pathology services shall, at a minimum include hematology, serology, blood chemistry analysis, urinalysis (including urine sediment examination and stone analysis), microbiology, culturing, antibiotic sensitivity screening, parasite examinations (fecal, blood and skin), cytology, pathology, and

**toxicology. Regarding tests performed on the premises, the equipment, at a minimum, shall include:**

- i. clinical centrifuge;**
- ii. microhematocrit;**
- iii. microscope**
- iv. refractometer or urinometer; and,**
- v. refrigerator.**

**(7) Pharmacy A full-service facility shall provide for the storage, safekeeping and use of drugs. Equipment shall include a refrigerator for those drugs requiring refrigeration. A locked substantially-constructed cabinet or safe shall be available for storage of controlled substances.**

**(8) Surgery A full-service facility shall provide surgical instrumentation in good repair, properly cleaned and sufficient in number and variety to meet the requirements of the surgical case load. There shall be a supply of oxygen. Sterile surgical procedures require the use of sterilized instruments, towels, drapes and gloves as well as clean caps and masks. The use of cold sterilization is appropriate only for instruments used in minor surgical procedures. A surgical light of adequate candle power shall illuminate the surgical field and the facility shall have provisions for adequate emergency surgical lighting. Surgical tables shall be constructed of impervious material.**

Regulatory authority

256 CMR 5.00: M.G.L. c. 112, Section 54.

## 256 CMR: BOARD OF REGISTRATION IN VETERINARY MEDICINE

### 256 CMR 6.00: DISCIPLINARY PROCEEDINGS

#### Section

#### 6.01:—~~Scope~~ **Definitions**

#### 6.02: ~~Definitions~~ **Grounds for Complaint**

#### 6.03:—~~Grounds for Complaint~~ **Non-disciplinary and Disciplinary Actions**

#### 6.04: ~~Informal Conference~~ **Impaired Practice**

#### 6.05: ~~Discipline by the Board~~

#### 6.06—~~Disciplinary Actions~~

#### 6.01: Scope

~~The handling of complaints received against licensees of the Board of Registration in Veterinary Medicine.~~

#### 6.012: Definitions

Adjudicatory Hearing means a formal administrative hearing held by the Board conducted to determine the truth and validity of complaints filed against a licensee **and conducted** ~~Such hearing is held~~ pursuant to M.G.L. c. 30A and 801 CMR 1.00.

Complaint means a communication **regarding a licensee** filed with the Board, the **Office of Investigations** ~~Investigative Unit~~ or the Division of Registration. ~~which The Board shall determines if the complaint pursuant to 256 CMR 6.00, merits further consideration.~~

Consent Agreement is a negotiated resolution of a complaint agreed upon by the Board and the licensee which may contain conditions placed by the Board on the licensee's professional conduct and practice.

Impairment means the inability or failure of a veterinarian to practice veterinary medicine with reasonable skill and safety due to abuse or excessive use of alcohol or drugs or due to mental illness or physical disability.

Investigation ~~means a formal method of gathering facts~~

Investigatory-Conference is a meeting conducted as part of an investigation at which the complaint, licensee or both meet with one or more members of the Board to discuss a complaint.

Order to Show Cause means **an order issued by the Board** ~~a paper served by the Board upon a licensee ordering the licensee to appear before the Board to respond to a specific complaint or complaints for a formal adjudicatory hearing.~~

#### 6.023: Grounds for Complaints

## 256 CMR: BOARD OF REGISTRATION IN VETERINARY MEDICINE

Grounds for complaints are **any violations** of the relevant provisions of the Massachusetts General Laws or **256 CMR *et seq.*** ~~acts which indicate that the licensee is in violations of relevant provisions of Massachusetts General Laws or regulations of the Board.~~ The Board may take disciplinary action for any violation of the Code of Professional Conduct, 256 CMR 7.00, regardless of whether the act complained of occurred in Massachusetts. ~~or in another jurisdiction.~~

### 6.04: Informal Conference

~~After receipt of a complaint and all related investigative materials forwarded to it by the Investigative Unit, the Board may schedule an investigatory informal conference with the licensee or may schedule a formal adjudicatory hearing pursuant to M.G.L. c. 30A and 801 CMR 1.01 if it determines that one is required. To facilitate disposition of any complaint, the Board may request the complaining party and/or the licensee who is the subject of the complaint to attend an informal conference at any time prior to the commencement of a formal adjudicatory proceeding. The Board shall give timely notice of the conference and this notice shall include a statement of the nature of the issues to be discussed.~~

### 6.05: Disposition by the Board

~~After receipt of a complaint and all related investigative materials forwarded to it by the Investigative Unit, the Board may:~~

- ~~(1) dismiss the complaint;~~
- ~~(2) schedule an Investigative Conference;~~
- ~~(3) Censure or issue a Formal Reprimand or Formal Warning; or~~
- ~~(4) conduct a formal adjudicatory hearing.~~

~~schedule an informal conference with the licensee or may schedule a formal adjudicatory hearing pursuant to M.G.L. c. 30A and 801 CMR 1.01 if it determines that one is required.~~

### 6.036: Non-disciplinary and Disciplinary Actions

(1) **Non-disciplinary** actions which may be taken by the Board after investigation of a complaint, **a formal adjudicatory hearing or a consent agreement** are:

(a) Dismissal of the complaint. **The Board may determine to dismiss a complaint with or without prejudice due to lack of jurisdiction, lack of sufficient evidence, finding of no violation, withdrawal of a complaint, subsequent compliance with statutes and/or regulations or other basis.**

(b) **Advisory Letter** ~~Letter of Warning~~. **An Advisory Letter is an official written document retained in the licensee's Board file cautioning the licensee regarding specific standards of practice which must be followed delineating the deficiencies found in the licensee's professional practice. An Advisory Letter** ~~A letter of warning~~ does not

constitute formal disciplinary action. **An Advisory Letter may carry with it certain conditions which a licensee may agree to fulfill.**

(2) Disciplinary actions which may be taken by the Board after investigation of a complaint **and either a formal adjudicatory hearing or a consent agreement** are:

~~(e)(a)~~ **Formal Reprimand.** ~~of the licensee -~~ **A formal reprimand is an official written rebuke expressing strong disapproval of actions of the licensee which is retained in the licensee's Board file and reprimand constitutes formal disciplinary action but does not necessarily impose any limitation on practice.**

~~(d)(b)~~ **Probation.** **- Probation is a status used whenever conditions are placed on a license and constitutes disciplinary action. Failure to comply with conditions of probation may result in imposition of further disciplinary action which may affect the status of a license.** ~~Probation constitutes disciplinary action against the licensee and consists of a period of time during which the licensee may practice under conditions imposed by the Board pursuant to a formal adjudicatory hearing or consent agreement.~~

~~(e)(c)~~ **Suspension/revocation of a license.** **- Suspension of a license deprives a licensee of all rights and privileges of licensure for a specified period of time or until certain conditions are met which have been imposed by consent agreement or by formal decision following an adjudicatory hearing.** ~~or revocation of a license may be imposed pursuant to a decision and order of the Board following a formal adjudicatory proceeding.~~

**(d) Revocation.** **Revocation of a license permanently deprives a licensee of all rights and privileges of licensure and eliminates his or her license status.**

**(e) The Board may stay a suspension or revocation if it find that such a disposition is warranted by the totality of circumstances of a case.**

~~(f) Consent Agreement - A Consent Agreement is a resolution of a complaint agreed upon by the Board and the licensee which may contain conditions placed by the Board on the licensee's professional conduct and practice and which may include the voluntary surrender of a license by a licensee.~~

**Voluntary Surrender.** **The voluntary surrender of a license by a licensee by execution of a written agreement with the board may be permanent or for a time certain. The Voluntary Surrender Agreement shall:**

1. be in writing and be signed by the licensee and the Board;
2. recite the facts upon which the Agreement is based and shall include, but not be limited to, provisions addressing reinstatement and any conditions the Board may elect to impose;
3. state that the licensee realizes that the voluntary surrender of his/her license is an act which deprives him/her of all privileges of licensure and is not subject to judicial review; and
4. be placed in the licensee's Board file as part of the licensee's permanent Board records.

**(g) Disciplinary action against a Massachusetts licensee taken in another state -** **Disciplinary action taken against a Massachusetts licensee by another state in which that person is also licensed may be the basis for initiation by the Board of disciplinary action**

against the Massachusetts licensee provided that the conduct disciplined in another jurisdiction constitutes a violation of Massachusetts law.

**(3) The Board reports all disciplinary actions to the national disciplinary database.**

**6.05: Impaired practice**

~~(1)(2)~~ A veterinarian found to be in violation of the statutes governing the practice of veterinary medicine and/or the regulations of the Board due to impairment as defined in 256 CMR ~~6.06(2)(a)~~ **6.01** may have any disciplinary action ~~deferred~~ **waived**. The Board may ~~defer~~ **waive** disciplinary action if, and only if, the licensee who is found to be impaired acknowledges his/her condition, is **in treatment** ~~under care~~, is enrolled in a rehabilitation program **and provides sufficient waivers to allow the Board or its agent to monitor his or her recovery**. ~~Under these circumstances, the Board may accept the voluntary surrender of the license of an impaired veterinarian without a formal adjudicatory hearing.~~

~~(a) "Impairment" is the inability or failure of a veterinarian to practice veterinary medicine with reasonable skill and safety due to abuse or excessive use of alcohol or drugs, or due to mental illness or physical disability.~~

~~(b) The Board may waive disciplinary action if, and only if, the licensee who is found to be impaired acknowledges his/her condition, is under care, and is enrolled in a rehabilitation program.~~

**(2) An impaired licensee may self-refer to a Board-approved supervised drug or alcohol counseling and testing program unless there is a complaint pending with the Board regarding that licensee. If the licensee is admitted into the program, the Board must be notified and no action will be taken regarding the licensee unless the Board is notified that the licensee has violated his or her treatment or recovery contract at which time the Board may consider disciplinary action.**

**(3) Following the filing of a complaint, as an alternative to discipline, the board may, by means of a consent agreement, refer an impaired licensee to a supervised drug or alcohol counseling and testing program. If the licensee is admitted into the program, the Board will be so notified and no further action will be taken regarding the complaint against the licensee unless the Board is notified that the licensee has violated his or her treatment or recovery contract. Such violation shall be treated as a violation of the consent agreement and the Board may initiate disciplinary proceedings.**

REGULATORY AUTHORITY

256 CMR 6.00: M.G.L. c. 112, Sections 54, 57, 58, 58A, 59 and 60.



256 CMR 7.00: CODE OF PROFESSIONAL CONDUCT

Section

7.01: Code of Professional Conduct

7.01: Code of Professional Conduct

(1) **A licensee's practice shall conform to currently-accepted professional and scientific standards in the profession of veterinary medicine which shall include the AVMA Principles of Veterinary Medical Ethics and the AVMA Guidelines.** ~~(4) A veterinarian's practice shall conform to the currently accepted standards in the profession of veterinary medicine.~~

(2) **A licensee shall:**

(a) Bill accurately and truthfully for services rendered;

(b) **Comply with all restrictions on his or her practice which are imposed by the Board with the licensee's consent or after an adjudicatory hearing;** ~~(10) A veterinarian shall comply with any restriction(s) on his/her practice of veterinary medicine imposed by the Board with the licensee's consent or after notice and hearing~~

(c) **Conduct all professional activities in accordance with federal, state, local and Board statutes and regulations;** ~~(8) A veterinarian shall at all times conduct professional activities in conformity with federal, state and municipal laws, ordinances and/or regulations and with the regulations of the Board~~

(d) **Cooperate promptly with any request of the Board to appear before it or provide information to the Board;** ~~(9) A veterinarian shall cooperate with any request by the Board to appear before the Board and/or provide information to the Board.~~

(e) **Dispense or prescribe controlled substances only in the course of his or her professional practice after establishing a genuine veterinarian-client-patient relationship;** ~~(14) A Veterinarian shall not dispense or prescribe controlled substances except in the course of his/her professional practice and when a bona fide veterinarian/client/patient relationship has been established.~~

(f) **Prior to hiring a veterinarian, and annually thereafter before March 1, establish whether that veterinarian has a current license to practice veterinary medicine in Massachusetts;** ~~(32) A veterinarian shall ascertain, before hiring, whether a potential veterinarian employee has a valid, current Massachusetts license to practice veterinary medicine (33) A veterinarian shall be responsible for ascertaining whether the license to practice veterinary medicine of any veterinarian employee is current.~~

(g) **Certify that an animal meets the requirements of a health certificate only based upon personal knowledge gained from a current physical examination and current**

**appropriate testing;** ~~(16) veterinarian shall not issue a certificate of health unless he/she shall have personal knowledge by means of actual examination and appropriate testing of the animal that the animal meets the requirements for the issuance of such a certificate.~~

**(h) Maintain a confidential relationship with all clients, except as otherwise provided by law;** ~~(15) A veterinarian shall maintain a confidential relationship with his/her clients, except as otherwise provided by law, or required by considerations related to public health and/or animal health~~

**(i) Maintain his or her attire, facility and equipment in a clean and sanitary condition;** ~~(11) A veterinarian shall at all times maintain his/her service premises and all equipment thereon in a clean and sanitary condition. A veterinarian shall maintain clean and sanitary attire~~

**(j) Insure that his or her staff exhibit professional appearance and behavior;**

**(k) Notify the Board within ten (10) days regarding any criminal conviction or disciplinary action taken against or voluntary surrender of his or her license to practice veterinary medicine in another jurisdiction or any suspension, revocation or surrender of his or her DEA certificate or DPH registration for controlled substances;** ~~(3) A veterinarian shall promptly notify the Board of any disciplinary action taken against him/her and/or the voluntary surrender of his/her license to practice veterinary medicine in another jurisdiction. (12) A veterinarian shall notify the Board of the suspension, revocation, or voluntary surrender of his/her federal Drug Enforcement Administration (DEA) registration, and his/her state controlled substances license.~~

**(l) Obtain the written or witnessed verbal consent of an animal's owner or other authorized person before proceeding with any of the following: sedation, administering general anesthesia; performing surgery, euthanasia or a post-mortem examination; disposing of an animal's body when that animal dies while in the care of a licensee, provided such consent is available within a reasonable time; housing an animal if twenty-four hour medical care is not available; or transporting an animal to another facility for any reason unless emergency circumstances do not permit obtaining consent;** ~~(28) A veterinarian shall obtain the consent of the patient's owner or other authorized person before doing surgery, administering general anesthesia or performing euthanasia (34) A veterinarian shall obtain the consent of a patient's owner before transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent (36) A veterinarian shall obtain the consent of the owner or other authorized person before performing a post mortem examination. (37) A veterinarian shall obtain the consent of the owner or other authorized person before housing the patient if there is not all night (24 hour) veterinary medical care available.~~

**(m) Disclose all situations presenting a conflict and appearance of a conflict and obtain the written consent of all parties before providing veterinary services that present a conflict of interest;** ~~(13) A veterinarian shall not represent conflicting interests except by~~

~~the express consent of all the parties after full disclosure of all the facts. A conflict of interest shall include, but not be limited to, accepting a fee from a buyer to inspect an animal for soundness and accepting a fee from the seller. Acceptance of a fee from both the buyer and the seller is prima facie evidence of a conflict of interest~~

**(n) Where possible, preserve the body of any animal which dies while in the care of a licensee except as otherwise provided by law;** ~~(26) A veterinarian shall, where possible, preserve the body of any patient which dies while in the veterinarian's care while its owner is away, except as otherwise provided by law.~~

**(o) Provide by oral, written or posted notice and by telephone information about office hours, emergency coverage, overnight and twenty-four hour attendance and similar information about the operation of his or her facility.** ~~(30) A veterinarian shall have the right to establish his/her own policy regarding the hours, emergency coverage, and other similar provisions for the operation of his/her facility, provided that this information is posted at the facility and may be obtained over the telephone.~~

**(p) Comply with all laws of the Commonwealth.**

**(3) A licensee may:**

**(a) Establish his or her own policy regarding hours, emergency coverage and other similar provisions for operation of his or her facility;**

**(b) Refuse to admit as an inpatient to his or her hospital any animal which is not currently vaccinated;**

**(c) Refuse to provide veterinary services:**

- i. for any owner who is physically or verbally abusive to the licensee or any employee of the licensee;**
- ii. when the licensee is unable to reach agreement with an owner or other authorized person regarding services;**
- iii. to any animal due to inadequate facilities or coverage for the animal; or**
- iv. when an animal is dangerous or difficult to handle**

~~(22) A veterinarian shall not refuse to provide treatment to an animal unless such refusal is based on reasons such as the inadequacy of the facilities then available, failure to reach a mutual agreement with the owner regarding services, or the unavailability of all night veterinary medical care for the animal. Where treatment is refused for such reasons, a veterinarian shall provide first aid if the animal is already on the veterinary office premises, and provide advice for, or arrange, an alternative source of veterinary medical care. (35) A veterinarian shall have the right to refuse to provide treatment to any animal that is difficult or dangerous to handle and shall have the right to use chemical or physical restraint of such an animal where treatment is attempted.;~~

**(d) Use chemical or physical restraint when attempting to treat an animal, which may be dangerous or difficult to handle.**

**(4) A licensee shall not:**

**(a) In any way aid or abet the illegal practice of veterinary medicine;** ~~(17) A veterinarian shall not in any way aid or abet the unlawful practice of veterinary medicine.~~

**(b) Engage in any conduct which reflects unfavorably on the profession of veterinary medicine;** ~~(38) A veterinarian shall not engage in any other conduct which reflects unfavorably on the profession of veterinary medicine.~~

**(c) Engage in fraud, deceit or misrepresentation in the practice of veterinary medicine or in the procurement of a license to practice veterinary medicine.** ~~(7) A veterinarian shall not engage in fraud, deceit, or misrepresentation in the practice of veterinary medicine (5) A veterinarian shall not engage in any fraud, deceit, or misrepresentation in the procurement of a license to practice veterinary medicine~~

**(d) Engage in verbal abuse or harrassment of a client or employee or physically abuse or threaten a client or an employee;** ~~(18) A veterinarian shall not engage in verbal abuse or harassment of a client, nor shall a veterinarian physically threaten or assault a client or an employee.~~

**(e) Perform diagnostic, medical or surgical procedures which in quality or quantity exceed the needs of the animal;** ~~(2) A veterinarian shall not overutilize his/her practice. Overutilization of practice is practice excessive in quality or amount to the needs of the patient. Overutilization may be determined from such sources as the patient's history, subjective symptoms, objective findings and reasonable clinical judgment as well as other relevant information~~

**(f) Permit a veterinary technician or other assistant to diagnose the condition of an animal, by telephone or otherwise;** ~~(25) A veterinarian shall not permit a veterinary technician or other assistant to evaluate the medical condition of a patient by telephone or otherwise without the veterinarian being on the office premises~~

**(g) Except as permitted by this chapter, permit a veterinary technician or other assistant to practice any aspect of veterinary medicine as defined in M.G.L. c. 112, §58, without the supervision of a licensed veterinarian on the premises;** ~~(20) A veterinarian shall not delegate to an assistant or veterinary technician who is not licensed as a veterinarian any aspect of the practice of veterinary medicine as defined in M.G.L. c. 112, § 58, without direct supervision by the veterinarian himself/herself~~

**(h) Physically abuse or engage in unnecessarily rough handling of an animal in his or her care;** ~~(19) A veterinarian shall not physically abuse or engage in unnecessary rough handling of an animal under his/her care~~

**(i) Practice veterinary medicine if illness, chemical dependency or substance abuse or any mental or physical condition adversely influences his or her ability to practice with reasonable skill and safety;** ~~(6) A veterinarian shall not practice veterinary medicine as to~~

~~endanger the health and welfare of his/her patient(s) or the public—A veterinarian shall not practice veterinary medicine if his/her ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability~~

**(j) Practice veterinary medicine so as to endanger the health and welfare of his or her patient or the public;**

**(k) Refuse to provide first aid or advice for an animal already on the premises or to arrange for an alternative source of veterinary medical care;**

**(l) Refuse to return an animal to its owner on the grounds that the owner has failed to fully pay for veterinary services except as provided in M.G.L. c. 255, §24 regarding boarding services;** ~~(23) A veterinarian shall not refuse to return an animal to its owner on the grounds that the owner has failed to fully pay for veterinary medical services rendered, as distinguished from boarding services rendered pursuant to M.G.L. c. 255, § 24.~~

**(m) Refuse to treat an animal on the basis of the owner's race, color, age, gender, national origin, religion or mental or physical disability.** ~~(21) A veterinarian shall not refuse treatment of an animal on the basis of the owner's race, color, sex, religion, national origin, or handicap~~

**(n) Engage in any conduct, which involves or may be perceived as a conflict of interest, without full disclosure and/or the express written consent of all the parties involved.**

**(o) Perform or offer to perform services outside of the licensee's area(s) of training, experience, competence or scope of practice or licensure.**

**(p) Procuring, use, or renew a license by fraudulent or deceptive means.**

**(q) Practice with an expired license.**

~~(24) A veterinarian shall not neglect an animal under his/her care.~~

~~(27) A veterinarian shall obtain the consent of the owner or other authorized person before disposing of any patient which dies while in the veterinarian's care, provided such consent is given within a reasonable time.~~

~~(29) A veterinarian shall have the right to refuse to admit as an in-patient to his/her hospital or clinic an animal that is not currently vaccinated.~~

~~(31) A veterinarian shall have the right to refuse to render veterinary medical services for any owner who uses physical or verbal abuse towards the veterinarian or towards any employee of the veterinarian.~~

256 CMR: BOARD OF REGISTRATION IN VETERINARY MEDICINE

REGULATORY AUTHORITY

256 CMR 7.00: M.G.L. c. 112, Section 54.

**256 CMR 8.00 CONTINUING EDUCATION**

**Section**

**8.01: Continuing Education Requirements**

**8.02: Verification and Approval of Licensee's Continuing Education Activities**

**8.03: Verification and Approval of Provider Continuing Education Programs and Activities**

**8.04: Waivers of Continuing Education Requirements**

**8.01. Continuing Education Requirements**

- (1) Licensed Veterinarians are required, as a condition of license renewal, pursuant to M.G. L. c. 112, Section 55, to complete a minimum of fifteen (15) units of continuing education activities every licensure cycle (March 1 through February 28).**
- (2) A unit of continuing education shall be a minimum of 50 minutes of organized learning experience. The Board, in its discretion, may approve other programs of continued professional competence that contribute to a licensee's professional growth.**
- (3) Board approved continuing education activities shall include, but are not limited to, the following:**
  - (a) Successful completion of an educational program, course, seminar, or workshop, sponsored by an approved organization, as described in Section 8.03(2) below.**
  - (b) Authorship of published books, chapters of published books, articles in refereed journals, research projects, and/or other such publications approved by the Board related to the science or practice of veterinary medicine. A maximum of three units may be credited for each book chapter, article, or project.**
  - (c) Instruction or presentation of an academic course workshop poster session, or seminar for the first time. Credit for two units of continuing education will be given for each unit taught or presented.**
  - (d) Successful completion of an academic course related to contemporary practice and offered by an approved school of Veterinary Medicine. Each semester hour shall equate to 15 continuing education units; trimester hours shall equate to ten (10) units; quarter hours shall equate to seven (7) units.**

- (e) **Successful completion of a residency training program in the process of board certification in an AVMA specialty board or college. Each year shall equate to 15 continuing education units.**
  - (f) **Home-study or other mediated instruction:**
    - (i) **Developed by a professional group;**
    - (ii) **Involving the learner by requiring an active response to materials and providing feedback;**
    - (iii) **Containing a test to indicate progress and to verify the completion of program.**
- (4) **Not more than six (6) hours shall be acquired through home study or other mediated instruction**

**8.02 Verification/Approval of Licensee's Continuing Education Activities**

- (1) **The licensee shall maintain adequate documentation of continuing education activities, which shall include, but not be limited to, the following:**
  - (a) **For each continuing education unit earned by participation in a continuing education program, a licensee must be able to provide documentation of the following:**
    - 1. **the title of the program or course;**
    - 2. **the number of hours spent in the program or course**
    - 3. **the name of the Board recognized entity or the academic institution that sponsored the program or course; and**
    - 4. **the date(s) and location that the program or course was given.**
  - (b) **For each continuing education activity unit earned from publication, the Board may require the licensee to provide a copy of the book, chapter, research project or article. The licensee must be able to provide complete bibliographic documentation including: the date of publication; the title of the book, chapter, research project or article and, in the case of a chapter or article, the title of the book or name of the journal in which it appears.**
  - (c) **For each continuing education activity unit earned by the teaching or presentation of courses, workshops, poster sessions or seminars, the licensee must be able to document the following information:**
    - 1. **the title of the course or poster session;**
    - 2. **date(s) of participation;**



3. institution or sponsoring agency; and
  4. the number of hours the licensee spent teaching or presenting.
- (d) For each academic course completed, the licensee must be able to provide a transcript showing successful course completion, as indicated by a passing grade or formal course-audit status.
- (2) The Board may conduct random surveys for compliance of the documentation of any licensee's continuing education. Upon request, the licensee shall provide the documentation described in B (1) above. Failure to provide required documentation or to complete the continuing education requirements for renewal may result in non-renewal of a license or other disciplinary action by the Board.

#### **8.03 Verification/Approval of Provider Continuing Education Programs and Activities**

- (1) For a program to be eligible for approval for continuing education hours, it shall contribute to the growth of an applicant in professional competence.
- (2) Course work meeting the requirements of subsection (1) above and endorsed or sponsored by the following organizations shall be deemed approved for continuing education hours:
  - (a) Registry of Approved Continuing Education (RACE);
  - (b) Boards of Veterinary Medicine licensure of other states;
  - (c) Courses offered by governmental agencies;
  - (d) Academic courses or continuing education programs offered by an approved school of Veterinary Medicine; and,
  - (e) Organizations so designated by the Board.

#### **8.04 Waivers of Continuing Education Requirements**

The Board may, at its discretion, fully waive or extend the deadline of the continuing education requirements for any licensee who, for reasons of health, disability, out of state military service, or undue hardship cannot meet the requirements. Licensees shall submit such requests to the Board in writing.

#### **REGULATORY AUTHORITY**

**256 CMR 8.00: M.G.L.c. 112, Section 55.**

256 CMR ~~8.00:~~**9.00** SUPERVISION OF ASSISTANTS AND VETERINARY TECHNICIANS

Section

~~89.01:~~ Acts Performed Under **Immediate** ~~Direct~~ Supervision

~~89.02:~~ Acts Performed ~~Without~~ Under Direct Supervision

**9.03 Acts Performed Without Direct or Immediate Supervision**

~~89.01:~~ Acts Performed Under **Immediate** ~~Direct~~ Supervision

An assistant or veterinary technician shall be authorized to perform the following acts only under the immediate supervision of a licensed veterinarian on the premises: Acts which an assistant or veterinary technician may perform under the direct supervision of a licensed veterinarian include, but are not limited to, the following:

(1) Administering federally-controlled substances as anesthetics.; Radiologic procedures;

**9.02: Acts Performed Under Direct Supervision**

(~~2~~ 1) Bandaging, excepting in an emergency; (~~may be performed without direct supervision in emergency situations~~);

(~~3~~) I.V. catheter placement;

(~~4~~ 2) Cleaning and polishing teeth; Teeth cleaning and polishing;

(~~5~~ 3) Placing an in-dwelling catheter or endotracheal tube; and, Intubation;

(~~6~~ 4) Diagnostic imaging. Administration of anesthetics.

~~8.02-~~**9.03** Acts Performed Without **Immediate or** Direct Supervision

An ~~Acts which an~~ assistant or veterinary technician **may perform the following acts** without the **immediate or** direct supervision of a licensed veterinarian **on the premises** within the confines of the professional practice as directed by the licensed veterinarian are as follows:

(1) Administering injections, oral and topical medicine, except federally-controlled anesthetics as directed by a licensed veterinarian; Laboratory procedures;

(2) Bandaging and first aid in an emergency; ~~Administration of injections and oral and topical medication~~;

(3) ~~Drawing~~ ~~Obtaining~~ blood samples as directed by a licensed veterinarian;

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- (4) Laboratory procedures as directed by a licensed veterinarian.**

REGULATORY AUTHORITY

256 CMR ~~8.00~~**9.00**: M.G.L. c. 112, Sections 54 and 58.

**256 CMR 10.00: LIMITED LIABILITY CORPORATIONS AND LIMITED LIABILITY PARTNERSHIPS [NEW]**

**Section**

**10.01: Liability Insurance Requirements for Limited Liability Corporations and Limited Liability Partnerships**

**10.01: Liability Insurance Requirements for Limited Liability Corporations and Limited Liability Partnerships**

- (1) A limited liability company and a limited liability partnership which own or operate any facility or business which provides veterinary services shall maintain professional liability insurance which meets the following minimum standards:
- (2) The insurance shall cover negligence, wrongful acts, errors and omissions and insure the LLC and its officers or the LLP and its partners as required by M.G.L. c. 156C, §65 and M.G.L. c. 108A, §45(8)(a), respectively.
- (3) For each claim concerning an LLC, the minimum insurance coverage shall be either:
  - (a) in an amount of at least fifty thousand dollars (\$50,000.00) multiplied by the number of individual licensees employed by or who are officers of the LLC; or
  - (b) in an aggregate amount of at least one-hundred fifty thousand dollars (\$150,000.00) multiplied by the number of individual licensees employed by or who are officers of the LLC.
- (4) For each claim concerning an LLP, the minimum insurance coverage shall be:
  - (a) in an amount of at least fifty thousand dollars (\$50,000.00) multiplied by the number of individual licensees employed by or who are partners of the LLP; or
  - (b) in an aggregate amount of at least one-hundred fifty thousand dollars (\$150,000.00) multiplied by the number of individual licensees employed by or who are partners of the LLP.
  - (c) An LLP shall be considered to have complied with the requirements of this section if the partnership provides for the above-specified amount of funds specifically designated and segregated for the satisfaction of judgments against the partnership or its partners based on negligence, wrongful acts, errors and omissions by:
    - (i) deposit in trust or in bank escrow of cash, bank certificates of deposit, or United States Treasury obligations; or
    - (ii) a bank letter of credit or insurance company bond.
- (5) The insurance coverage required by this section may provide that it does not apply to any dishonest, fraudulent, criminal or malicious act or omission of the insured LLC or any employee or officer thereof or the insured LLP or any employee or partner thereof.

**(6) Cancellation or any other interruption in required insurance coverage shall require an LLC or LLP to immediately cease the practice of veterinary medicine until such time as the LLC or LLP is in compliance with this section.**

**(7) An LLC or LLP must notify the Board within five (5) business days if its insurance coverage is cancelled or otherwise interrupted. Failure to provide the required notice to the Board will subject to disciplinary action pursuant to M.G.L. c. 112, §59 licensees who are officers of the LLC or are partners of the LLP.**

**(8) An officer of an LLC or a partner of an LLP may be required to provide verification of compliance with this section to the Board when he or she seeks initial licensure, renewal of a license or at any other time as requested by the Board.**

**REGULATORY AUTHORITY: M.G.L. c. 156C, §65.**